

**Affidavit of Service****UNITED STATES DISTRICT COURT  
For the NORTHERN DISTRICT OF NEW YORK**

COURT

Civil Action No.: C 09-1478 SI

IMPLICIT NETWORKS, INC.

Plaintiff,

v.

SYBASE, INC. and MICROSOFT CORPORATION,

Defendant.

I, James F. Inman, being first duly sworn, deposes and says: that I am over the age of 18 years and not a party to this action, and reside in the County of Tompkins, State of New York and that within the boundaries of the State where service was effected, I was authorized by law to perform said service.

Service: I served

EMIN G. SIRER

NAME OF PERSON / ENTITY BEING SERVED

With (Documents): SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

By leaving with:

EMIN G. SIRER

NAME

AT: Employment

Cornell University, Department of Computer Science, 4151 Upson Hall, Ithaca, New York 14853

ADDRESS

CITY / STATE

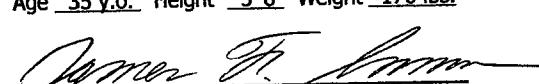
On March 1, 2010 AT 1:45 PM

DATE/TIME

**Manner of Service:**

- (X) **Personal:** By personally delivering copies to the person being served.  
 ( ) **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household and explaining the general nature of the papers.  
 ( ) **Corporate/LLC:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.  
 ( ) **Affixing To Door:** By affixing a true copy thereof to the door of said premises  
 ( ) **Copy Mailed:** On \_\_\_\_\_, a copy thereof was deposited in a postpaid, properly addressed envelope, marked "Personal and Confidential" in a depository maintained by the U.S.P.S. and mailed to the above address.  
 ( ) **Non-Service:**  
 ( ) Unknown at Address ( ) Moved, Left no Forwarding ( ) Service Cancelled by Litigant  
 ( ) Unable to Serve in Timely Fashion ( ) Address Does Not Exist

Service Attempts: Service was attempted on:		(1)	DATE	TIME	(2)	DATE	TIME	
(3)	DATE	TIME	(4)	DATE	TIME	(5)	DATE	TIME

(X) **WITNESS FEES:** Advanced payment of \$85.00 was made.**MILITARY SERVICE:** yes X no**Description of person spoken to:** Sex Male Skin color White Age 35 y.o. Height 5' 8" Weight 170 lbs.  
Hair Brown Other Glasses  
SIGNATURE OF PROCESS SERVERSUBSCRIBED AND SWORN to before me this 1<sup>st</sup> day of March, 2010

SIGNATURE OF NOTARY PUBLIC

**EMILY EVA EMMICK**  
 Notary Public - State of New York  
 No. 01EM6187060  
 Qualified in Tompkins County  
 My Commission Expires May 12, 2012

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**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* Emin G. Sizer  
was received by me on *(date)* 2/26/10.

I served the subpoena by delivering a copy to the named individual as follows: Personal service  
upon Emin G. Sizer at Cornell University, Dept. of Computer Science,  
4151 Upson Hall, Ithaca, NY 14853 on *(date)* 3/1/10; or  
 I returned the subpoena unexecuted because: \_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ 85<sup>00</sup>

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: March 1, 2010

  
James F. Inman  
\_\_\_\_\_  
James F. Inman, Process Server  
\_\_\_\_\_  
Server's signature  
Printed name and title

306 Buck Rd, Lansing, NY 14882  
Server's address

Additional information regarding attempted service, etc: